

EXHIBIT 5

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

**MARIETTA MEMORIAL HOSPITAL,
an Ohio Corporation, *et al.*,**

Plaintiffs,

v.

Civil Action No. 2:16-cv-08603

**WEST VIRGINIA HEALTH CARE
AUTHORITY, *et al.***

Defendant.

AFFIDAVIT OF ROBERT L. COFFIELD

STATE OF WEST VIRGINIA,
COUNTY OF KANAWHA, TO-WIT:

Robert L. Coffield, deposes and states upon his oath the following:

1. I am an attorney licensed to practice law in the State of West Virginia. I have been practicing law in West Virginia for more than 20 years and my practice focuses on business, transactional and health care issues. I am a member of Flaherty, Sensabaugh Bonasso, PLLC, a Charleston, West Virginia based law firm with offices throughout West Virginia. A substantial portion of my legal practice involved representing health care clients in health care regulatory, transactional and administrative litigation, including regularly appearing before and handling certificate of need matters before the West Virginia Health Care Authority.

2. I make this affidavit at the request of Thomas G. Casto with the law firm of Lewis, Glass Casey & Rollins, PLLC, knowing that he will submit the same to a court of law in support of a motion for reasonable attorney's fees and costs. All statements and opinions made in this Affidavit are based upon my personal knowledge and experience.

3. I am familiar with Mr. Casto, and his firm, Lewis, Glasser Casey & Rollins, PLLC. I am also familiar that his firm employs partners and associates, and the quality of the firm's work on behalf of its health care clients. Mr. Casto has routinely appeared before and represents health care clients on certificate of need matters and other regulatory issues before the West Virginia Health Care Authority. Mr. Casto is a skilled and experienced health care lawyer who is very knowledgeable in the areas of certificate of need and other regulatory issues that come before the West Virginia Health Care Authority and other state health care regulatory agencies.

4. Based upon my education, training and experience practicing health law in this state, I am also generally familiar with the type and scope of costs incurred and the amount of attorney's fees associated with health care regulatory, transactional and administrative litigation in the State of West Virginia.


5. The health care industry is highly regulated at both the federal and state level. Health care law is a specialized area of practice involving the technical, regulatory and business aspects of representing health systems, hospitals, physicians, physician groups, health technology companies, rural health clinics, home health providers, dialysis providers and health care trade organizations.

6. The technical, regulatory and business aspects of representing health care providers and health care businesses is very complex. The added intersection of a health care matter with a civil rights and constitutional case, such as the case in this matter, further supports my assessment of the reasonableness of the hourly fee rates requested in this matter.

7. Based on the foregoing, and my knowledge of Mr. Casto's skill, ability, training, experience and reputation, I believe that his request for an hourly rate of \$325.00 to \$350.00 per hour is within the reasonable range of prevailing market rates in this area.

8. I further believe that the request for an hourly rate of \$325.00 to \$350.00 per hour for Webster J. Arceneaux, III, a member of Lewis, Glass Casey & Rollins, PLLC, and \$250.00 to \$275.00 for Ms. Raupp, a senior associate at Lewis, Glass Casey & Rollins, PLLC, also working on this matter are within the reasonable range of prevailing market rates for health care regulatory, transactional and litigation related legal work.

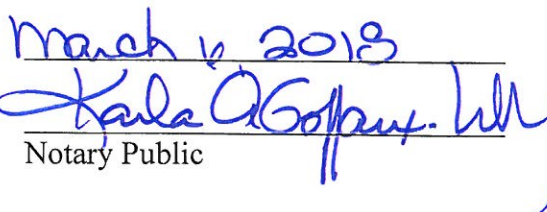
AND FURTHER AFFIANT SAITH NAUGHT.



Robert L. Coffield

Taken, subscribed and sworn to before me this 8th day of December, 2017.

My Commission Expires:

March 6, 2018

Notary Public

